

APPEAL NO. 031908  
FILED SEPTEMBER 9, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 24, 2003. The hearing officer determined that the respondent's (claimant) \_\_\_\_\_, compensable injury extends to include the low back in addition to an abdominal sprain/strain, and that the claimant had disability due to the compensable injury from August 31, 2002, to June 3, 2003. The appellant (carrier) appeals on sufficiency of the evidence grounds. The appeal file does not contain a response from the claimant.

DECISION

Affirmed.

Whether the compensable injury extended to include the claimant's low back and whether the claimant had disability presented fact questions for the hearing officer to determine based on the evidence presented. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, the hearing officer's decision is supported by the claimant's testimony and by the report of the Texas Workers' Compensation Commission-appointed required medical examination doctor. The case turned on the credibility of the claimant's testimony, and the hearing officer resolved the credibility determination in the favor of the claimant. The carrier essentially argues the same matters that were argued to the hearing officer at the hearing. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ZURICH AMERICAN INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**GARY SUDOL  
9330 LBJ FREEWAY, SUITE 1200  
DALLAS, TEXAS 75243.**

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Michael B. McShane  
Appeals Panel  
Manager/Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Robert W. Potts  
Appeals Judge